



## DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



U-18-6010/FAC-2A1 (FOIA)

December 21, 2018

Ms. Ramya Krishnan  
Knight First Amendment Institute at Columbia University  
1140 Amsterdam Ave  
206 Kent Hall  
New York, NY 10027

Dear Ms. Krishnan:

This is the Defense Intelligence Agency's (DIA) first interim response regarding your Freedom of Information Act litigation in the United States District Court for the District of Columbia, civil action number 18-cv-01129. This case encompasses your request for records pertaining to (1) NDAs imposing prepublication review obligations; (2) administrative appeals on prepub determinations; (3) sanctions for failure to comply with prepub review obligations.

A search of DIA's systems of records located 150 records responsive to the request. This response addresses 47 documents that were located in that search.

Upon review, I have determined that all substantive portions of 45 documents must be withheld in full from disclosure pursuant to the FOIA. The withheld portions are exempt from release pursuant to Exemptions 1, 3, 4, 5, and 6 of the FOIA, 5 U.S.C. § 552 (b)(1), (b)(3), (b)(4), (b)(5), and (b)(6). Exemption 1 applies to information properly classified under the criteria of Executive Order 13526. Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statutes are 10 U.S.C. § 424 and 50 U.S.C. § 3024(i). Statute 10 U.S.C. § 424 protects the identity of DIA employees, the organizational structure of the agency, and any function of DIA. Statute 50 U.S.C. § 3024(i) protects intelligence sources and methods. Exemption 4 applies to information such as trade secrets and commercial or financial information obtained from a person on a privileged or confidential basis. Exemption 5 applies to information that falls within one of the civil discovery privileges. In this instance, DIA has asserted the deliberative process privilege and attorney client privilege. Exemption 6 applies to information which if released would constitute an unwarranted invasion of the personal privacy of other individuals.

Further, I have determined the remaining two documents are duplicates of records already processed in this first interim response.

DIA has not withheld any reasonably segregable non-exempt portions of any records.

You can expect the second interim response to your FOIA request in January 2019.

Sincerely,

*Brian L. Jenkins*

Brian L. Jenkins *(initials)*  
Chief, Records Management and Information  
Services